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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,880	12/30/1999	JAMES R. ALTENDAHL	E-911	7003

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EXAMINER
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VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/475,880

Applicant(s)

ALTENDAHL ET AL.

Examiner

Naresh Vig

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*W*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 16,17.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in reference to response received on 07 May 2004 to the office action mailed on 22 January 2004. There are 8 claims, claims 1, 2 and 4 – 9 pending for examination.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

Claim 1 recites “the planning request being provided in on of at least two forms”. On page 3, line 7, applicant recites “the planning request being provided in either one of at least two forms”, and on page 3, lines 26 – 28 applicant recites “output module, responsive to the load list, for providing the load list in a manner corresponding to the form of the planning request information”. Applicant has not clearly defined “Forms” in the originally filed application. It is not clear in the claim whether the form is a user interface, method for performing a task etc.

In response to the office action, applicant must clearly define form in the claimed invention. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 9(f) recites "reporting means for reporting to said parcel management system and to said system, user information relative to performance progress, shipment status, and completed task" is not supported by the specification originally filed on 30 December 1999.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls US Patent 5,631,827 hereinafter known as Nicholls in view of Roberts et al. US Patent 6,401,078 hereinafter known as Roberts and in further view of Soga et al. U.S. Patent 6,304,856 hereinafter known as Soga.

Regarding claim 1, Nicholls teaches a planning engine for use in a planning system for planning the shipment of a parcel of at least one item (Logistic system for automating transportation of goods), the planning including routing and rating the shipment, the planning system including a router for determining possible routes for the shipment, a rater for rating each possible route, a consolidator for attempting to consolidate a list of shipments [col. 7, lines 49 – 57], Nicholls does not teach a consolodator for attempting to consolidate a list of shipments (i.e. mail merge), and a prorater for allocating costs of a consolidation among the consolidated shipments. However, Sansone-1 teaches merging mail batches to achieve additional postage discounts [abstract] and allocate the costs and savings among the mailers supplying the batch mailings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls as taught by Sansone-1 to apportion the savings to appropriate accounts. Nicholls teaches the planning system also having read and write access to a shipping database [col. 14, lines 10 – 14]. Nicholls teaches:

a) an input module, responsive to a planning request indicating at least one shipment for which planning is to be performed [Fig. 4a]. Nicholls does not teach the

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input module for providing a list including each shipment for which planning is to be performed (i.e. input module for accepting information). However, Sansone-1 teaches the input module for providing a list including each shipment for which planning is to be performed (the businesses can upload their mailing lists to the data center) [col. 9, lines 30 – 31]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls as taught by Sansone-1 to get the shipping data for consolidation to save on shipping charges;

Nicholls in view of Sansone-1 does not teach a load list template builder, responsive to the list including each shipment for which planning is to be performed, for providing a load list template indicating at least one load, each load having an associated stop, each stop having an associated shipment, each shipment having at least one associated item (i.e. load planning). However, Roberts teaches that the goal of proper load planning (col. 2, line 65 – col3, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls in view of Sansone-1 as taught by Roberts to reduce the freight turn-around time and freight handling, increase profits etc.

Nicholls in view of Sansone-1 and Roberts does not teach an analyzer, responsive to the load list template, for planning in turn how to ship each of the shipments indicated by the load list template by making use of the router and the rater, for providing a load list indicating a carrier and service for each shipment of the load list template (i.e. route planning). However, Soga teaches route planning (col. 19, lines 32 – 55).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls in view of Sansone-1 and Roberts as taught by Soga to cut down the shipping expenses and to have efficient delivery for customers.

It is obvious that Nicholls in view of Sansone, Roberts and Soga teaches an output module, responsive to the load list, for providing the load list in a manner corresponding the planning request information to generate a document for shipping department to consolidate the packages for shipping and load the consolidate package on the appropriate delivery route.

It is obvious that Nicholls in view of Sansone, Roberts and Soga teaches the planning engine passes the router the load list template and the router then determines possible routes for each load of the load list template the router referring to business rules and to a means for prioritizing the business rules in case of conflict, the router returning to the planning engine a carrier list indicating acceptable routes in terms of a first of carriers and one or more services for each carrier to be able to sort the packages to be shipped for consolidation, determine the appropriate routing and selecting the appropriate carrier to efficiently ship package(s) and save of freight costs.

Regarding claim 2, Nicholls teaches planning engine is implemented as a component object module (COM) server (Nichols discloses that "various transportation logistics tasks, such as order processing, order fulfillment, transportation of goods and

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tracking, are assigned to individual client/server objects which make up the building blocks of the computerized, logistics management system." [abstract].

Claims 4 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls US Patent 5,631,827 hereinafter known as Nicholls in view of Roberts et al. US Patent 6,401,078 hereinafter known as Roberts and in further view of Soga et al. U.S. Patent 6,304,856 hereinafter known as Soga and Thiel US Patent 6,321,214.

Regarding claim 4, Nicholls does not teach a planning engine passes the rater the carrier list and the rater then provides component costs for each of the acceptable routes, and the planning engine then selects a route from the list of acceptable routes (selecting the acceptable route). Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that using a computer system for selecting a route to meet business requirements. For example, in telecommunication industry acceptable routes are calculated to save on cost (carrier costs), to minimize delay (i.e. cheapest cost does not mean it is the best way to send), getting acceptable route on demand (e.g. using satellite as a carrier). Thiel teaches planning engine passes the rater (franking system) the carrier list and the rater then provides component costs for each of the acceptable routes (group of carriers that meet



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the service demand), and the planning engine then selects a route from the list of acceptable routes (determining the most beneficial carrier) [abstract].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls in view of Sansone, Roberts and Soga as taught by Thiel to calculate the shipping charges according to currently valid fee schedule.

Regarding claim 5, Nicholls does not teach planning engine passes the consolidator the load list template indicating each shipment as a direct shipment and the consolidator provides in return a consolidation load list template indicating loads that are possible consolidations of Shipments in the load list template indicating each shipment as a direct shipment (load planning). However, Roberts teaches load planning [col. 2, line 65 – col. 3, line 15].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls as taught by Roberts to plan the loading of truck in an efficient manner to increase profits.

Regarding claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Nicholls in view of Sansone, Roberts, Soga and Thiel teaches planning engine uses the router and the rater to route and rate the

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possible consolidations to determine routing and rating for each possible consolidation (responded to earlier in response to claims 1 – 2 and 4 – 5) to calculate the shipping charges according to currently valid fee schedule and plan the loading of truck in an efficient manner to increase profits.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Nicholls in view of Sansone, Roberts, Soga and Thiel teaches planning engine passes the prorater a selected rated consolidation, and the prorater then determines an apportionment of the costs for the consolidation among each of the consolidated shipments (responded to earlier in response to claims 1 – 2 and 4 – 6) to calculate the shipping charges according to currently valid fee schedule and plan the loading of truck in an efficient manner to increase profits.

Regarding claim 8, Nicholls in view of Sansone, Roberts, Soga and Thiel teaches possible consolidation of a shipment with other shipments. Nicholls in view of Sansone, Roberts, Soga and Thiel does not teach planning engine decides whether to consolidate the shipment based on a comparison of the costs for the shipment being shipped as Opposed to being shipped in the Consolidation. However, Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to decide when the shipment should not be

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consolidated. Business may hire a load planner (e.g. shipping manager) to manage shipping costs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nicholls in view of Sansone, Roberts, Soga and Thiel and decides whether to consolidate the shipment based on a comparison of the costs for the shipment being shipped as Opposed to being shipped in the Consolidation to save on shipping costs. For example, shipping of Mainframe Computer, meat products may require climate control environment for shipping (costs more that the regular shipping method). If there is a shipment for meat products and furniture, load planner may decide to ship the special handling package (meat products) in a seperate shipment instead of making the whole shipment as a special handling shipment to decrease shipping costs.

Regarding claim 9, as responded to earlier in response to claims 1 –3 and 4 – 8, Nicholls in view of Sansone, Roberts, Soga and Thiel teaches a planning engine for a parcel management system (Logistic system for automating transportation of goods) wherein said planning engine is an component object module (COM) automation server (program module) that can be selectively initiated from one or more applications (program modules calling automation server program module) resident in said parcel management system (program modules in a computer system to make the computer system work as desired by the system without interface to a system user (program

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modules calling other program modules, is program written as an object oriented program, remote procedure call etc). Nicholls in view of Sansone, Roberts, Soga and Thiel teaches:

first access means for accessing pick-pack functionality within a pick-pack application interoperatively connected to said parcel management system [Nicholls in view of Sansone];

second access means for accessing shipment processing functionality within a shipment processing application interoperatively connected to said parcel management system [Nicholls in view of Sansone and Roberts];

load structure determining means for determining load structure as a function of a set of shipment properties introduced to said planning engine by said first access means and said second access means [Nicholls in view of Sansone and Roberts];

parcel route determining means for determining a most effective route for a shipment of a parcel via a Carrier in accordance with said set of shipment properties [Nicholls in view of Sansone, Roberts and Soga];

third access means for accessing a rates database and activating a rate determining means for determining a rate value for said shipment via said carrier in accordance with said set of shipment properties and wherein said rate determining means further comprises rate shopping means for determining a most effective rate among a set of one or more rates for said shipment via said carrier in accordance with said set of shipment properties [Nicholls in view of Sansone, Roberts, Soga and Thiel];

reporting means for generating reports [Nicholls];

wherein the planning engine passes a router the load list template and a router then determines possible routes for each load of the load list template, the router referring to business rules and to a means for prioritizing the business rules in case of conflict, the router returning to the planning engine a carrier list indicating acceptable routes in terms of a list of carriers and one or more services for each carrier [Nicholls in view of Sansone, Roberts, Soga and Thiel].

### ***Conclusion***

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Patent Examiner  
September 17, 2004